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Responsive to 03 March 2006 Office Action

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REMARKS

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

PENDING CLAIMS

Claims 1-4 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is presently interested. At entry of this paper, Claims 1-12 will be pending for further consideration and examination in the application.

'101 REJECTION - ALLEGED NON-STATUTORY CLAIM(S)

Claims 1-4 have been rejected under 35 USC 101, apparently because such claims represent alleged non-statutory subject matter. **Strong traversal is appropriate.**

More particularly, while MPEP 2106 states that "certain types of descriptive materials such as ...photographs [which are] ...merely stored so as to be read or outputted by a computer without creating any function interrelationship, either as part of the stored data or as part of the computing processes performed by the computer..." is not statutory subject matter, MPEP 2106 DOES STATE that, "In contrast, **a claimed computer-readable medium encoded with a data structure [that] defines structural and functional interrelationships between the data**

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structure and the computer software and hardware components which permits the data structure's functionality to be realized..." IS STATUTORY SUBJECT MATTER.

In contrast to containing purely image data (e.g., a bitmap image of photograph), Applicant's disclosed and claimed invention further contains "**rounding method information specifying a positive rounding method or a negative rounding method for interpolation of intensity values of pixels in performing the motion compensation.**" Such represents data structure information which defines structural and/or functional interrelationships, which allows a computer to achieve successful functionality in reproduction of the recorded image, i.e., the computer may utilize the supplied "rounding method information" to apply an appropriate positive rounding method or a negative rounding method for interpolation of intensity values of pixels in performing motion compensation. Thus, the computer is thus enabled to correctly reproduce Applicant's images and thus the requisite data-structure/functionality required under U.S. law is provided, making Applicant's claims statutory (as opposed to purely image (e.g., bitmap) claims).

In addition to originally-filed claims 1-4, a second set of claims 5-8 has been added to substantially parallel claims 1-4, respectively, with new claims 5-8 additionally reciting that "the rounding method information being useable by reproducing apparatus in rounding operations to reproduce the images." Finally, a third set of claims 9-12 has been added to substantially parallel claims 1-4, respectively, with new claims 9-12 specifically reciting "A recording medium having **a machine-readable program recorded thereon, the program causing the**

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machine upon implementation to record information of images which have been coded by performing motion compensation, wherein the information includes rounding method information specifying a positive rounding method or a negative rounding method for interpolation of intensity values of pixels in performing the motion compensation.”

Based upon the foregoing, reconsideration and withdrawal of the '101 rejection are respectfully requested.

ALL REJECTIONS UNDER 35 USC '102

The 35 USC '102 rejection of claims 1-4 as being anticipated by Wilkinson (U.S. Patent 5,659,365) is respectfully traversed. All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following.

Applicant's present invention and Wilkinson's disclosure/invention are directed to wholly differing inventions. More particularly, Wilkinson is directed to reducing an amount of vector data. Wilkinson's disclosure recognizes that motion vectors of chrominance components almost always follow vectors of luminance components (column 4, lines 22-25), and as a result, Wilkinson's arrangement applies rounding to a motion **vector** and then utilizes **a common vector to convey information as to both luminance and chrominance motion**. See Wilkinson's claim 1, for example.

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That is, Wilkinson's claim 1 recites: 1. A video compression method involving motion vector processing, wherein the chrominance sampling rate is half the luminance sampling rate, the method comprising estimating a luminance motion vector representing luminance motion in a video picture, making a rounding decision, if necessary, as to the best corresponding chrominance motion fit, and including an additional bit in said luminance motion vector, the digital value of said additional bit representing the rounding decision, wherein said luminance motion vector with additional bit conveys information as to both luminance and chrominance motion.

In order to properly support a '102 anticipatory-type rejection, any applied art reference must disclose each and every limitation of any rejected claim. The applied art does not adequately support a '102 anticipatory-type rejection because, at minimum, such applied art does not disclose (or suggest) the following discussed limitations of Applicant's claims.

In contrast to concerning vectors, Applicant's present (disclosed and claimed) invention concerns intensity. More particularly, Applicant's disclosed and claimed invention concerns rounding control of an intensity value of pixels. See Applicant's claim 1, for example.

It is respectfully submitted that there would be no anticipation, and in fact, no suggestion provided by Wilkinson disclosure itself to modify Wilkinson's arrangement. More particularly, it is well settled under U.S. patent law that a reference does not properly provide suggestion or incentive to modify the same in a '103 obviousness-type manner, when the basic operation of an arrangement within the reference would be completely destroyed upon combination. To modify

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Wilkinson to round intensity as opposed to the motion vector, would destroy Wilkinson's basic motion vector operation which it used to solve the problem of excessive motion vectors.

In addition to the foregoing, the following additional remarks from Applicant's foreign representative are also submitted in support of traversal of the rejection and patentability of Applicant's claims.

There is a clear difference between Applicant's invention and Wilkinson (US 5,659,365). The objects of the rounding in Applicant's invention and in Wilkinson (US 5,659,365) are clearly different, so Applicant's invention and Wilkinson (US 5,659,365) differ essentially. In more detail, Wilkinson (US 5,659,365) relates to rounding control of motion vector, and does not show the rounding control of intensity value of pixels such as Applicant's invention.

For example, in Wilkinson, attention is directed to:

Column 4, line 35, which states: "there is a rounding problem in chrominance vector value."; and

Column 4, lines 48-49, which states: "the odd valued vertical vector can be rounded up and down as indicated in the figure."

On the other hand, claim 1 of Applicant's disclosure describes as follows: "a positive rounding method and a negative rounding method for interpolation of intensity values of pixels." Such description clearly shows that Applicant's invention relates to the rounding control of intensity value of pixels.

As a result of all of the foregoing, it is respectfully submitted that the applied art would not support a '102 anticipatory-type rejection of Applicant's claims.

Accordingly, reconsideration and withdrawal of such '102 rejection, and express

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written allowance of all of the '102 rejected claims, are respectfully requested.

Further, at this point, it is respectfully submitted as a reminder that, if new art is now cited against any of Applicant's unamended claims, then it would not be proper to make a next action final.

EXAMINER INVITED TO TELEPHONE

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

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CONCLUSION

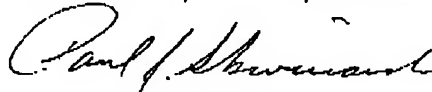
In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 520.36323C14) and please credit any excess fees to such deposit account.

Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

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